

### **REMARKS**

Claims 20-34 are now pending in the application. Minor amendments have been made to the specification and claims to simply overcome the objection to the specification and rejections of the claims under 35 U.S.C. § 112. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

The Examiner has noted that the specification lacks the necessary reference to the prior application. Accordingly, Applicant has included a paragraph claiming priority to Application No. 09/094,284 filed on June 9, 1998. It should be noted, however, that a claim of priority was included with the original filing and was omitted from the specification inadvertently.

### **DRAWING OBJECTION**

The Examiner asserts that the drawings do not specifically show the "cord removably tied to the upper portion of the overboot" as recited in Claims 30 and 34.

The removable cord is designated at reference numeral 64 in Figure 2 and is specifically discussed in the Specification at page 5, lines 11-16. Applicant respectfully submits that the drawings as filed adequately show the removable cord in Figure 2 as reference numeral 64.

## **CLAIM OBJECTIONS**

The Examiner objects to the claim language in Claim 24 on line 3 and has suggested that the term "overboot" be changed to the term "foot" since the fingers define a recess surrounding the foot.

The recess 62 is formed when the fingers 66 are constricted about the cylindrical housing 26 of the foot portion 22 due to the constriction of the band 64. In this manner, the recess 62 is formed about, and axially surrounds, the upper portion of the overboot 24. See the Specification at page 6, lines 8-14. Applicant believes that the specification supports the recess 62 surrounding the overboot 24. Applicant respectfully submits that the objection to Claim 24 is improper and should be withdrawn.

## **REJECTION UNDER 35 U.S.C. § 112**

Claims 20-31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner asserts that Claim 20 recites the limitation "the floor" in line 8 and that there is insufficient antecedent basis for this limitation in the claim. Accordingly, Applicant has amended Claim 20 to include the limitation of "a floor" prior to the reference of "the floor" in line 8. Because Applicant's amended Claim 20 provides adequate antecedent basis for the limitation of "the floor" Applicant respectfully asserts that independent Claim 20 as well as Claims 21-23 and 25-31 dependent therefrom are in a condition for allowance.

Claim 24 stands rejected for not providing sufficient antecedent basis for the limitation of "the axially extending fingers" in line 1. Through typographical error, Claim 24 depends from Claim 22. Claim 24 should be dependent from Claim 23. Accordingly, Claim 24 has been amended to properly depend from Claim 23. In this manner, the limitation of "the axially surrounding fingers" has sufficient antecedent basis in Claim 23. Because the limitation of "the axially surrounding fingers" has antecedent basis in Claim 23, Applicant respectfully submits that amended Claim 24 is in a condition for allowance.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 20-24, 27, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keng (U.S. Pat. No. 5,711,103) in view of Midcap (U.S. Pat. No. 5,713,382) in view of Janis (U.S. Pat. No. 4,964,430), and further in view of Wagner (U.S. Pat. No. 2,799,287).

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keng (U.S. Pat. No. 5,711,103) in view of Midcap (U.S. Pat. No. 5,713,382) in view of Janis (U.S. Pat. No. 4,964,430) in view of Wagner (U.S. Pat. No. 2,799,287), and further in view of Urban (U.S. Pat. No. 4,630,626).

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Keng (U.S. Pat. No. 5,711,103) in view of Midcap (U.S. Pat. No. 5,713,382) in view of Janis (U.S. Pat. No. 4,964,430) in view of Wagner (U.S. Pat. No. 2,799,287), and further in view of Thorp et al (U.S. Pat. No. 612,685).

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Keng (U.S. Pat. No. 5,711,103) in view of Midcap (U.S. Pat. No. 5,713,382) in view of Janis (U.S. Pat. No. 4,964,430) in view of Wagner (U.S. Pat. No. 2,799,287), and further in view of Levasseur (U.S. Pat. No. 4,947,882).

Claims 32 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keng (U.S. Pat. No. 5,711,103) in view of Midcap (U.S. Pat. No. 5,713,382) in view of Janis (U.S. Pat. No. 4,964,430) in view of Wagner (U.S. Pat. No. 2,799,287) in view of Urban (U.S. Pat. No. 4,630,626), and further in view of Thorp et al (U.S. Pat. No. 612,685).

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Keng (U.S. Pat. No. 5,711,103) in view of Midcap (U.S. Pat. No. 5,713,382) in view of Janis (U.S. Pat. No. 4,964,430) in view of Wagner (U.S. Pat. No. 2,799,287) in view of Urban (U.S. Pat. No. 4,630,626) in view of Thorp et al (U.S. Pat. No. 612,685) as applied to Claim 32 above, and further in view of Levasseur (U.S. Pat. No. 4,947,882).

These prior art rejections of the claims are respectfully traversed for the reasons set forth below.

Janis does not disclose a flexible overboot. In fact, Janis teaches away from using a flexible material. Applicant respectfully submits that it is inappropriate to combine the teachings of Janis with any of the aforementioned references to arrive at the subject invention.

The Examiner asserts that Janis discloses a thin-walled, flexible overboot for use with a foot portion. Janis in fact teaches away from using a flexible overboot in favor of

using an overboot constructed out of a "hard material" (see e.g., Claims 1, 5, 11, and 12). By way of describing the overboot as an ice-gripper and describing its function as such, the overboot of Janis would certainly need to be manufactured of a suitable "hard material" to effectively grip a sheet of ice and prevent relative slippage therebetween. Janis further discusses that the overboot may be provided with a "soft surface" by dipping the ice-gripper into a liquid bath, thereby providing the ice-gripper with a pliable covering to prevent "scratching" other surfaces. See Janis at col. 2, Ins. 15-20 and col. 4, Ins. 28-32. In this manner, the teeth of the Janis cannot possibly be formed from a flexible material as a flexible material would not likely scratch other surfaces and would therefore not require a pliable coating. It is clear that the overboot of Janis is not formed of a flexible material because a flexible material would not adequately grip a sheet of ice and support a load applied thereto by a walking aid.

In addition, the Examiner asserts that Janis discloses a flat floor having a plurality of concentric triangular ribs. Janis does not disclose a plurality of triangular ribs extending from the foot portion, but rather discloses a plurality of triangular ribs or teeth extending from the generally cylindrical lower portion or outwardly-extending section 12. The base member 8, or flat floor, serves only to interact with the foot portion of the shoe 6 and prevent the foot portion from passing through the tubular gripper member 2 so as to provide an effectively snug means for attachment to the shoe 6. See Janis at col. 2, Ins. 65-68. The triangular ribs or toothed members 1 extend from the bottom of the outwardly-extending section 12 and not from the base member 8, as best shown in Figure 1 of Janis.

Independent Claims 20 and 32 specifically recite an overboot "constructed of a flexible material." In this manner, Independent Claims 20 and 32 specifically define the subject invention over the art of record.

Because Janis does not disclose a flexible overboot, and none of the cited references cures this deficiency on Janis, Applicant's invention is not taught or suggested by the prior art and reconsideration and withdrawal of the rejection is respectfully requested.

The pending dependent claims even further define the subject invention over the art of record. For example, Claim 24 recites an overboot having axially extending fingers which "define a continuous annular recess circumferentially surrounding the upper portion of the overboot when the upper portion of the overboot is constricted about the upper portion of the foot." The art of record does not disclose such a relationship.

The Examiner asserts that Janis discloses axially extending fingers which define a continuous annular recess. Janis discloses axially extending fingers, but does not disclose the axially extending fingers cooperating to form an axially surrounding recess. Specifically, as the fingers of Janis are constricted about the foot portion, the fingers are brought in proximity to one another, but do not form an annular recess as suggested. See Figure 1 of Janis.

In addition, the Examiner asserts that Thorp provides a similar recess by providing a flange at opposite ends of a coupling. However, to create a recess as suggested by Thorp, both ends of a coupling require constriction about separate

members (See Fig. 1 of Thorp), whereas the present invention creates a recess when only one end of the overboot is constricted about the foot portion as mentioned in Claim 24. Because the recess of Thorp is not formed due to constriction of axially surrounding fingers, the recess of Thorp is distinguished from the present invention. For the foregoing reasons, Applicant's invention is not taught or suggested by the prior art and reconsideration and withdrawal of the rejection is respectfully requested.


### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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## **ATTACHMENT FOR SPECIFICATION AMENDMENTS**

The following is a marked up version of each new paragraph of the specification in which underlines indicates insertions and brackets indicate deletions.

### CROSS-REFERENCE TO RELATED APPLICATIONS

This case claims priority from U.S. patent application 09/094,284, filed June 9, 1998, now abandoned as of January 23, 2002.



## **ATTACHMENT FOR CLAIM AMENDMENTS**

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

20. (Amended) An overboot in combination with a foot portion of a multi-legged firearm support assembly, the foot portion having an upper portion and a lower portion, the upper portion being generally cylindrical, the lower portion having a shape of a truncated cone, the lower portion having a maximum diameter that is greater than a substantially constant diameter of the upper portion, the overboot comprising:

an upper portion circumferentially surrounding the upper portion of the foot portion; [and]

a foot portion; and

a conical portion interconnecting the floor and the upper portion of the overboot, the conical portion upwardly and outwardly extending from the floor;

whereby the overboot is a thin walled structure constructed of a flexible material that matingly receives the foot portion.

24. (Amended) The overboot of claim 23 [2], wherein the axially extending fingers define a continuous annular recess circumferentially surrounding the upper portion of the overboot when the upper portion of the overboot is constricted about the upper portion of the foot.